

REMARKS/ARGUMENTS

Claims 40 - 42 and 44 are currently pending in this application. Claims 1-18 and 30-32 stand withdrawn. Claims 19-29, 33-39, 43 and 45-47 are cancelled. Claims 40-42 and 44 have been amended. Reconsideration of the rejection of this application in view of the following comments is respectfully requested.

Claims Rejections - 35 U.S.C. §102

Claims 40-46 were rejected under 35 U.S.C. §102(b) as being anticipated by Matthai et al. (5,702,415). Reconsideration of this rejection as applied to the newly amended claims 40-42 and 44 is respectfully requested.

Claim 40 is the only independent claim currently pending in the application. This claim has been amended to so that it is now directed to a blade-guard assembly for a rotary trimmer.

The blade-guard assembly comprises a cutting blade having a plurality of apertures and a hub connected to the cutting blade by the plurality of apertures. A blade guard is secured to the hub and forms a blade-guard assembly with the blade. The blade guard covers the blade such that at least a portion of the blade is exposed for cutting. The blade guard assembly is removable from, and placable on, the rotary trimmer as a unit without the operator being directly exposed to the cutting blade.

In order for a reference to provide a basis for anticipating a claim, the reference must disclose each and every element of the claim. *Verdegaal Bros. Inc. v. Union Oil Co.*, 2 USPQ2d 1051, 1053 (cir. 1987). It is submitted that the Matthai et al. reference does not meet this criteria.

The Matthai et al. reference relates to a powered medical hand piece that includes an oscillatingly driveable chuck and a blade fixable on the chuck and oscillatingly driven thereby. The chuck is installed on a hand piece 11 and a cap 80 is installed atop the hand piece housing 13. The blade 9 is installed by

rotating the hold down screw 32 into its upward position. The blade 9 is then inserted in the gap between the cap 80 and the top of a cup washer 80. With the blade 9 positioned such that the large diameter front end portion 101 of the holddown opening is located coaxially above the cup washer and the wide, drive end portions 111 of the drive openings are located above the pilot pins 71, the blade can be dropped downward to the point where the blade 9 rests atop the short drive pins 70. The blade is then pulled forward until the large diameter, front, drive end portions 111 drop down over the relatively large diameter short drive pin 70. The hold down screw 32 is then tightened to retain the blade in assembled position.

During the entire installation process, the blade 9 is not connected to any type of blade guard that forms a blade-guard assembly with the blade so that it can be installed or removed from the cutting tool as a unit. The element 80 of the device shown in the Matthai et al. reference, which the Examiner considers to be a blade guard, is, in fact, a cap that is removably secured to the top wall 81 of the housing 13 of the handpiece before the installation of the blade. The cap 80 is not affixed to the cutting blade in any manner that would enable it to be removed from, and placed on the device as a unit with the cutting blade.

Since the Matthai et al. patent does not disclose all the elements set forth in claims 40-42 and 44, that reference cannot be held to anticipate the claims. Accordingly, claims 40-42 and 44 are patentable over the Matthai et al. reference.

Claims 20, 25 and 47 were rejected under 35 U.S.C. § 102(b) as being anticipated by Elson (3,198,409). Although these claims have been cancelled and this rejection is no longer thought pertinent, the Examiner referred to the Elson patent as showing a blade guard 36 secured to a cutting blade. The Elson patent relates to a circular saw that includes a cutting blade 30 that is mounted on a housing and which has a guard 36 for the blade. The guard 36 is part of the body of the saw and is not associated with the blade 30 in any manner such that

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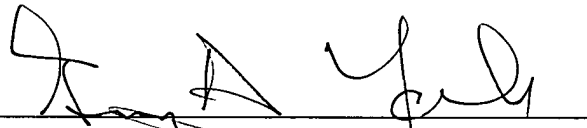
it can form an assembly, which can be removed from or replaced on the body of the saw as unit with the cutting blade. Thus, the Elson et al. patent does not show or suggest the subject matter of claims 40 - 42 and 44 and such claims are patentable over this reference.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the claims now pending in this application, patentably define over the cited art taken alone or in any possible combination. Favorable consideration of the claims now in the case is earnestly solicited.

Respectfully Submitted,

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